

Attorney Docket No.: 020547-002110US
Prior Art No. 300622009900

PTO/SB/01A (08-03)

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	TRANSFORMATION SYSTEM BASED ON THE INTEGRASE GENE AND ATTACHMENT SITE FOR MYXOCOCCUS XANTHUS BACTERIOPHAGE MX9
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. 10/645,818, filed on August 20, 2003,
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

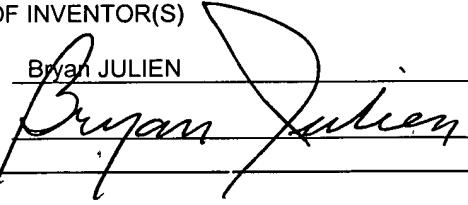
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 Bryan JULIEN Date: 6/23/04

Signature:  Citizen of: United States

Inventor 2 _____ Date: _____

Signature: _____ Citizen of: _____

Inventor 3 _____ Date: _____

Signature: _____ Citizen of: _____

Inventor 4 _____ Date: _____

Signature: _____ Citizen of: _____

Additional inventors are being named on additional form(s) attached hereto.



POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

Practitioners associated with the Customer Number

20350

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Kosan Biosciences, Inc.
3832 Bay Center Place
Hayward, CA 94545

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Daniel V. Santi	Date	
Signature			July 12, 2004
Title	Chairman, Chief Executive Officer	Telephone	510-732-8400

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: BRYAN JULIENApplication No./Patent No.: 10/645,818 Filed/Issue Date: 20 AUGUST 2003Entitled: Transformation System Based on the Integrase Gene and Attachment Site for Myxococcus Xanthus
Bacteriophage MX9Kosan Biosciences, Inc., a Delaware Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To: The document was recorded in the United States Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.2. From: To: The document was recorded in the United States Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.3. From: To: The document was recorded in the United States Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

July 12, 2004
Date510-732-8400
Telephone numberDaniel V. Sant
Typed or printed nameDaniel V. Sant
SignatureChairman, Chief Executive Officer
Title

COPY

Attorney Docket No.: 020547-002110US

ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, BRYAN JULIEN of 4514 Fleming Avenue, Oakland, CA 94619 hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **TRANSFORMATION SYSTEM BASED ON THE INTEGRASE GENE AND ATTACHMENT SITE FOR MYXOCOCCUS XANTHUS BACTERIOPHAGE MX9**

Date(s) of execution of Declaration:

Filing Date: **August 20, 2003**

Application No.: **10/645,818; and**

WHEREAS, Kosan Biosciences, Inc., a corporation of the state of Delaware, located at 3832 Bay Center Place, Hayward, CA 94545, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

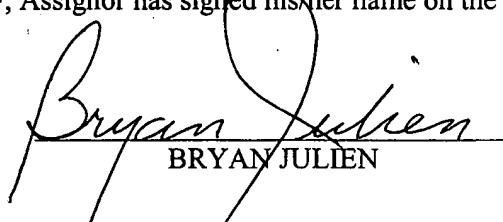
For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated:

6/23/09


BRYAN JULIEN